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Ministry of Attorney General

ELECTION ACT AMENDMENTS RESPOND TO PUBLIC FEEDBACK

VICTORIA – Attorney General Wally Oppal has today tabled amendments to Bill 42, the Election Amendment Act 2008, that respond to public feedback about the length of time election spending is regulated during set date elections.

The amendments shorten the time period that will limit spending by political parties, candidates and third parties; and will lower the amount political parties can spend in the pre-writ period. The time period limiting third-party advertising spending will be cut from 120 to 60 days, prior to the start of the campaign, plus the 28-day campaign period itself, while the time limits regulating spending for political parties and candidates will also be cut in half from 120 to 60 days prior to the writ being dropped.

Although there will be no changes in the amount third parties and candidates can spend within those time limits, the amendments will reduce the amount political parties can spend in the pre-writ period from $2.2 to $1.1 million. This change is aimed at reducing the gap between what political parties can spend and what third parties are able to spend.

"With these two changes, the government is balancing concerns that have been raised about Bill 42 with the need to ensure fair elections for all and to ensure everyone's voice is heard. The limits are consistent with the principles articulated by the Supreme Court of Canada that are aimed at ensuring the voice of any citizen is not drowned out by those who have the resources to engage in expensive election campaigns," said Oppal. "We saw in the last election third parties spending millions of dollars leading up to the election and at least $3 million more during the campaign period itself. These changes are aimed at preventing our system from drifting towards an American-style election system that demands expensive advertising campaigns in order to effectively engage in democratic discourse."

The chief electoral officer in his March 2006 report also noted that set election dates raise some concerns that "the effectiveness of election expense limits and rules regarding the identification of election advertising sponsors may be compromised." He suggested that amending the campaign period for fixed date events could address these concerns and cited March 1 as a possible starting date for an extended campaign period. As amended, Bill 42 will ensure the rules are clear and binding for everyone from 60 days before the writ is dropped until election day.

Government has already, as a matter of policy, banned non-essential advertising four months prior to the election day, one month longer than what applies to third party advertising. For greater certainty, amendments will also clarify that nothing in the act prevents government or MLAs from carrying out their proper functions and official duties.

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All other amendments proposed to the Election Act under Bill 42 would remain the same.

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